

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>UNITED STATES OF AMERICA</b>	)	CASE NO. 5:18-CV-1891
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
-vs-	)	<b><u>DEFENDANT’S ANSWER TO</u></b>
	)	<b><u>PLAINTIFF’S COMPLAINT</u></b>
	)	
<b>MICHAEL P. TRICASO.</b>	)	<b><u>JURY DEMAND ENDORSED</u></b>
	)	<b><u>HEREON</u></b>
Defendant.	)	
	)	

Now comes Defendant, Michael P. Tricaso, D.O., who by and through his undersigned counsel, hereby submits the following Answer to Plaintiff’s Complaint.

**ANSWER**

1. Defendant denies all allegations contained in Paragraph 1 of Plaintiff’s Complaint.

**JURISDICTION AND VENUE**

2. Paragraph 2 of Plaintiff’s Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant admits that Plaintiff has attempted to file an action under the CSA, 21 U.S.C. §§ 801-971.

3. Paragraph 3 of Plaintiff’s Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant denies all allegations contained in Paragraph 3 of Plaintiff’s Complaint.

4. Paragraph 4 of Plaintiff’s Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant admits that Plaintiff has attempted to establish venue under 21 U.S.C. § 843(f)(2) and 28 U.S.C. §1391(b) and 1395(a).

## **PARTIES**

5. Defendant admits the allegations contained in Paragraph 5 Plaintiff's Complaint.
6. Defendant admits the allegations contained in Paragraph 6 Plaintiff's Complaint.
7. Defendant admits the allegations contained in Paragraph 7 Plaintiff's Complaint.

## **THE CONTROLLED SUBSTANCES ACT**

8. Paragraph 8 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 8 of Plaintiff's Complaint.

9. Paragraph 9 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Paragraph 10 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 10 of Plaintiff's Complaint.

11. Paragraph 11 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 11 of Plaintiff's Complaint.

12. Paragraph 12 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 12 of Plaintiff's Complaint.

13. Paragraph 13 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 13 of Plaintiff's Complaint.

14. Paragraph 14 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 14 of Plaintiff's Complaint.

15. Paragraph 15 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 15 of Plaintiff's Complaint.

16. Paragraph 16 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 16 of Plaintiff's Complaint.

### **FACTS**

17. Defendant admits the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. Defendant admits the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. Defendant admits the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Defendant admits the allegations contained in Paragraph 20 of Plaintiff's Complaint.

### **Confidential Source 1**

21. Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 21 of Plaintiff's Complaint.

22. Defendant denies all allegations contained in Paragraph 22 of Plaintiff's Complaint.

23. Defendant denies all allegations contained in Paragraph 23 of Plaintiff's Complaint.

24. Defendant denies all allegations contained in Paragraph 24 of Plaintiff's Complaint.
25. Defendant denies all allegations contained in Paragraph 25 of Plaintiff's Complaint.
26. Defendant denies all allegations contained in Paragraph 26 of Plaintiff's Complaint.
27. Defendant denies all allegations contained in Paragraph 27 of Plaintiff's Complaint.
28. Defendant denies all allegations contained in Paragraph 28 of Plaintiff's Complaint.
29. Defendant denies all allegations contained in Paragraph 29 of Plaintiff's Complaint.
30. Defendant denies all allegations contained in Paragraph 30 of Plaintiff's Complaint.
31. Defendant denies all allegations contained in Paragraph 31 of Plaintiff's Complaint.
32. Defendant denies all allegations contained in Paragraph 32 of Plaintiff's Complaint.
33. Defendant denies all allegations contained in Paragraph 33 of Plaintiff's Complaint.
34. Defendant denies all allegations contained in Paragraph 34 of Plaintiff's Complaint.
35. Defendant denies all allegations contained in Paragraph 35 of Plaintiff's Complaint.
36. Defendant denies all allegations contained in Paragraph 36 of Plaintiff's Complaint.
37. Defendant denies all allegations contained in Paragraph 37 of Plaintiff's Complaint.
38. Defendant denies all allegations contained in Paragraph 38 of Plaintiff's Complaint.
39. Defendant denies all allegations contained in Paragraph 39 of Plaintiff's Complaint.
40. Defendant denies all allegations contained in Paragraph 40 of Plaintiff's Complaint.
41. Defendant denies all allegations contained in Paragraph 41 of Plaintiff's Complaint.
42. Defendant denies all allegations contained in Paragraph 42 of Plaintiff's Complaint.
43. Defendant denies all allegations contained in Paragraph 43 of Plaintiff's Complaint.

**Confidential Source 2**

44. Defendant lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraphs 44 of Plaintiff's Complaint.

- 45. Defendant denies all allegations contained in Paragraph 45 of Plaintiff's Complaint.
- 46. Defendant denies all allegations contained in Paragraph 46 of Plaintiff's Complaint.
- 47. Defendant denies all allegations contained in Paragraph 47 of Plaintiff's Complaint.
- 48. Defendant denies all allegations contained in Paragraph 48 of Plaintiff's Complaint.
- 49. Defendant denies all allegations contained in Paragraph 49 of Plaintiff's Complaint.
- 50. Defendant denies all allegations contained in Paragraph 50 of Plaintiff's Complaint.

**COUNT I**

**Unlawful Distributing and Dispensing of Controlled Substances:**

**21 U.S.C. §§ 841(a)(1), 882(a)**

**Injunctive Relief**

- 51. Paragraph 51 of Plaintiff's Complaint does not require a response.
- 52. Defendant denies all allegations contained in Paragraph 52 of Plaintiff's Complaint.
- 53. Paragraph 53 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant denies all allegations contained in Paragraph 53 of Plaintiff's Complaint.

**COUNT II**

**Unlawful Prescribing of Controlled Substances:**

**21 U.S.C. §§ 829(a)-(b), 842(c)(1)(A)**

**Civil Penalties**

- 54. Paragraph 54 of Plaintiff's Complaint does not require a response.
- 55. Defendant denies all allegations contained in Paragraph 55 of Plaintiff's Complaint.
- 56. Defendant denies all allegations contained in Paragraph 56 of Plaintiff's Complaint.
- 57. Paragraph 57 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant denies all allegations contained in Paragraph 57 of Plaintiff's Complaint.
- 58. Paragraph 58 of Plaintiff's Complaint contains conclusions of law to which no

answer is required. To the extent an answer is required, Defendant denies all allegations contained in Paragraph 58 of Plaintiff's Complaint.

**Count III**  
**Unlawful Prescribing of Controlled Substances:**  
**21 U.S.C. §§ 829(a)-(b), 842(a)(1), 843(f), 882(a)**  
**Injunctive Relief**

59. Paragraph 59 of Plaintiff's Complaint does not require a response.

60. Paragraph 60 of Plaintiff's Complaint contains conclusions of law to which no answer is required. To the extent an answer is required, Defendant denies all allegations contained in Paragraph 60 of Plaintiff's Complaint.

**AFFIRMATIVE DEFENSES**

61. This Court lacks personal jurisdiction to adjudicate Plaintiff's claims.

62. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

63. Plaintiff's claims are barred by the applicable statute of limitations.

64. Plaintiff's claims are barred in whole or in part by the doctrine of unclean hands.

65. Plaintiff's claims are barred in whole or in part by the doctrine of laches.

66. Plaintiff's claims are barred in whole or in part based duress.

67. Defendant does not waive and hereby reserves the right to assert additional defenses or claims, including, but not limited to, those which become apparent through further investigation or discovery.

WHEREFORE, having fully answered, Defendant, Michael P. Tricaso, D.O., respectfully requests that Plaintiff's Complaint be dismissed, with prejudice, at Plaintiff's cost, and such other relief as may be just and equitable.

Respectfully Submitted,

/s/ Andrew J. Wides

Andrew J. Wides, Esq. (0091633)

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*Attorney for Defendant*

*Michael P. Tricaso, D.O.*

**JURY DEMAND**

Pursuant to Fed.R.Civ.P. 38, Defendant hereby demands trial by jury for all claims associated with the action herein.

Respectfully Submitted,

/s/ Andrew J. Wides

Andrew J. Wides, Esq. (0091633)

*Attorney for Defendant*

*Michael P. Tricaso, D.O.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Answer was served this 10th day of September, 2018 via the Court's ECF system upon all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Respectfully Submitted,

/s/ Andrew J. Wides

Andrew J. Wides, Esq. (0091633)

*Attorney for Defendant,  
Michael P. Tricaso, D.O.*